

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
JASPER DIVISION

STEVEN ERIC GARNER,

Plaintiff,

V.

SWANSON SERVICES CORP.,

Defendant.

Case No. 6:09-cv-01614-IPJ-PWG

## MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on December 15, 2009, recommending that this action be dismissed as frivolous, pursuant to 28 U.S.C. § 1915A(b)(1) and/or 28 U.S.C. § 1915(e)(2)(B)(i). Although the plaintiff was advised that he may file specific written objections within fifteen days, he has failed to respond to the report.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the magistrate judge's report is due to be and hereby is ADOPTED and the recommendation is ACCEPTED. Accordingly, this action is due to be dismissed as frivolous, pursuant to 28 U.S.C. § 1915A(b)(1) and/or 28 U.S.C. § 1915(e)(2)(B)(i). A Final Judgment will be entered.

DATED this 6<sup>th</sup> day of January 2010.

Agnes Prytz Johnson

INGE PRYTZ JOHNSON  
U.S. DISTRICT JUDGE